THE COURT
Legacy

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U.S. District Courts and the Federal Judiciary: A Summary

This is the fourth in a series of articles about the federal judicial system and the creation of the Eastern and Western District Courts in the State of Michigan. The first three articles (September and November 2003, and February 2004) provided an historical summary of the federal judicial system, and specific information on the development of the Judiciary Act and the Bill of Rights. This article discusses the final compromises in the Judiciary Act, the Evarts Act, and the westward expansion and the reorganization that took place between the Civil War and 1891.

A Political Compromise

As pointed out in the last article the Federalists made concessions to achieve a federal judicial system. These concessions appeased the Anti-Federalists in two general ways: One restricted federal jurisdiction more than the Constitution required, and the other tied the federal courts to the legal and political cultures of the states.

The Federalists achieved their goal of establishing a federal trial judiciary rather than leaving all trials in the state courts. But the federal courts that the Act created were not designed to be completely free of the influence of their states' politics and legal culture. The federal judiciary's fierce independence in protecting national legal rights against occasional state encroachment has been sustained by factors other than the geographic structure of the national court system.

It seems axiomatic today that no district or circuit boundary should cross a state line, because (with one minor exception[1]) none does. The 1789 Judiciary Act set this precedent, just as it required the district judges to reside in their districts.[2] These requirements create inevitable relationships between federal courts and the states in which they are located.

But state boundaries are not the only way that federal court boundaries could be defined. The creators of the federal judiciary might have established separate judicial administrative divisions that would ensure roughly equal allocation of workload and would be subject to realignment to maintain the allocation.

In 1800, a last-gasp Federalist bill to revamp the judicial system would have divided the United States into nine circuits and twenty-nine districts, each district with a distinctive name and bearing no direct relation to state boundaries. For example, in the northern part of what is now the Second Circuit there would have been the district of Champlain, and in the western part of what is now the Fourth Circuit would have been the district of Cumberland.[3] Whatever administrative sense this arrangement might have made, it ran counter to the strong preference that federal courts have ties to the states in which they are located.

To observers today, the most curious aspect of the 1789 Judiciary Act was Congress's decision to create a major federal trial court but not to create any separate judgeships for it and to impose circuit riding. The Act directed the two Supreme Court justices assigned to each circuit to travel to the designated places of holding circuit court, to be joined there by the district judge. This requirement, along with a sparse Supreme Court caseload in the early period, meant that the early Supreme Court justices spent most of their time serving as trial judges.

Circuit riding was common in the states. It was attractive to Congress for three reasons. First, it saved the money a separate corps of judges would require. In 1792, the Georgia district court judge reported that Congress declined to create separate

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circuit judgeships partly because "the public mind was not sufficiently impressed with the importance of a steady, uniform, and prompt administration of justice," and partly because "money matters have so strong a hold on the thoughts and personal feelings of men, that everything else seems little in comparison."[4] Second, circuit riding exposed the justices to the state laws they would interpret on the Supreme Court and to legal practices around the country-it let them "mingle in the strife of jury trials,"[5] as a defender of circuit riding said in 1864. Third, it contributed to what today we call "nation building." It would, according to Attorney General Edmund Randolph, "impress the citizens of the United States favorably toward the general government, should the most distinguished judges visit every state."[6] (In fact, they did more than visit. The justices' grand jury charges explained the new regime to prominent citizens all over the country, winning praise from the Federalist press and barbs from the Jeffersonian press.[7])

Whatever logic supported circuit riding, the justices themselves set about almost immediately to abolish it. They saw themselves as "traveling postboys."[8] They doubted, in the words of a Senate ally, "that riding rapidly from one end of this country to another is the best way to study law."[9] Furthermore, they warned President Washington, trial judges who serve also as appellate judges are sometimes required to "correct in one capacity the errors which they themselves may have committed in another . . . a distinction unfriendly to impartial justice."[10] The 1789 Act prohibited district judges from voting as circuit judges in appeals from their district court decisions[11] but placed no similar prohibition on Supreme Court justices. The justices themselves agreed to recuse themselves from appeals from their own decisions unless there was a split vote[12] (a rare occurrence). Congress's only response to their complaints was a 1793 statute reducing to one the number of justices necessary for a circuit court quorum[13].

From the Founding to the Evarts Act

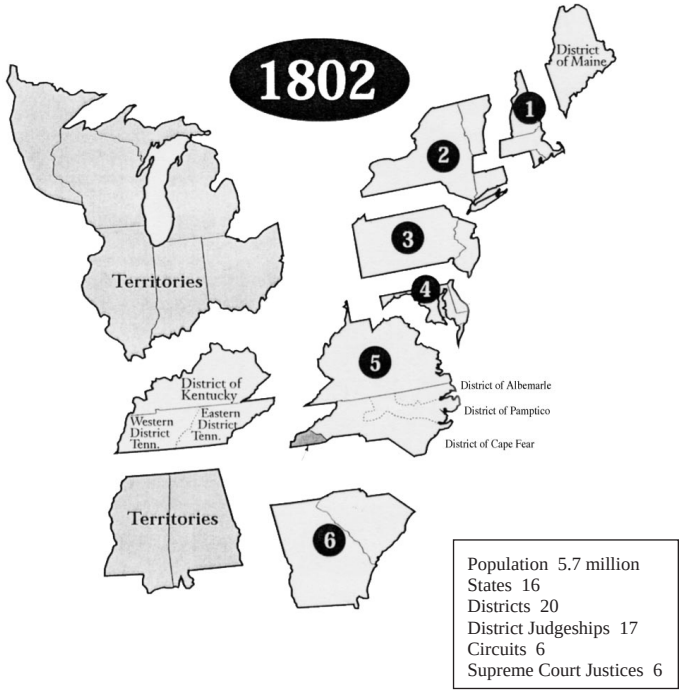
In 1801, as their era drew to a close, the Federalists brought to passage a bill that President John Adams had proposed two years earlier. It established six circuits and separate circuit court judgeships for them, and it expanded federal court jurisdiction to all categories of cases authorized by Article III.[14]

The incoming Jeffersonians repealed the statute the next year,[15] abolished the judgeships it created, and then passed a new judiciary act.[16] The new act again created six circuits, but it reestablished the justices' circuit-riding responsibilities-one justice per circuit, to hold one circuit court session each year in each district within the circuit. However, because a quorum of one judge was sufficient to convene the circuit court, the justices' responsibilities for circuit riding diminished.

This slight restriction on circuit obligations brought only temporary relief. With time, the federal courts' condition deteriorated as caseloads swelled. A political stalemate over the role the federal courts should play in national life postponed until 1891 a resolution of the dispute over the proper structure of the judiciary.

Westward Expansion

From 1789 to 1855, the number of states increased to thirty-one, and U.S. territorial possessions grew as well. The logic of the 1789 Judiciary Act dictated that new states and territories have their own district and circuit courts. The justices, however, found the travel burden of even the existing circuits to be too great. Congress thus created new circuits and gradually increased the size of the Supreme Court to provide justices for them. The expansion was not a smooth process. Creating a new seat on the Supreme Court became entwined with the politics of filling the seat. Thus, new states were often left in limbo, and the district courts exercised both district and circuit court jurisdiction. Not until the Civil War was every district within a circuit served by Supreme Court justices.



Upon taking control of the government, Jeffersonian Republicans repealed the 1801 Judiciary Act, a Federalist measure that had created six circuits and separate circuit judges, eliminating circuit riding for justices. The 1802 Act kept the enlarged number of circuits, but restored the Supreme Court justices' circuit-riding obligations, although in a somewhat less burdensome manner.

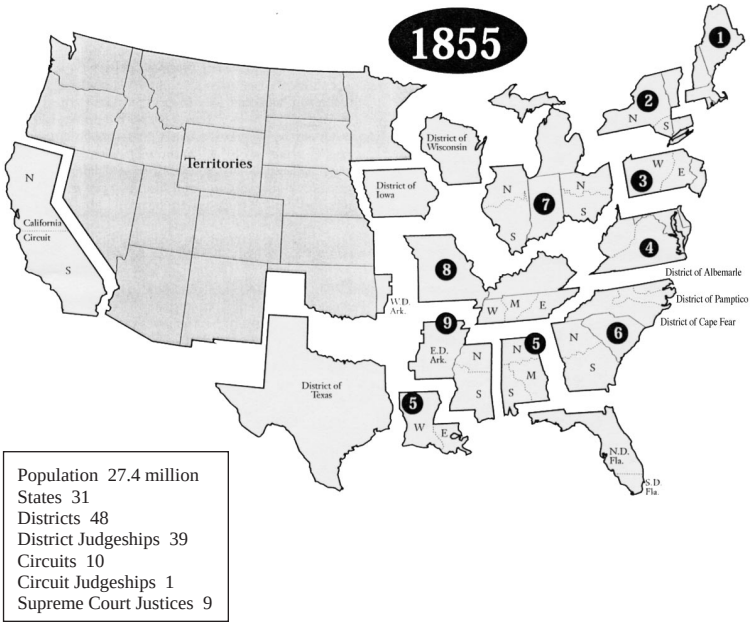
The number of circuits reached its nineteenth-century high point in 1855. To deal with a large number of land disputes in California, Congress that year created a separate, tenth, circuit, called the California Circuit, for the state's two districts and, for the first time, authorized a separate circuit judge rather than adding a tenth justice to the Supreme Court.[17] The Supreme Court reached its largest size in 1863, when Stephen Field of California took his seat on the Court as the justice for the newly created Tenth Circuit, which replaced the California Circuit and included Oregon as well as California.[18] (Although the Court had ten members, it appears that the ten never sat as a group because of the illnesses of Chief Justice Taney in 1863-1864 and of Justices Catron and Davis the next term.[19]) An 1866 statute[20] sought to reduce the Court's size by forbidding replacement nominations until the Court consisted of seven members. Although often described as an effort to restrict President Andrew Johnson's power, in fact the statute was probably designed chiefly to produce a Court of more manageable size and to make it easier for Congress to raise judicial salaries.[21] The Court had nine members after Justice Catron died in 1865, and eight members from Justice Wayne's death in 1867 until March 1870, when Justice Bradley was appointed pursuant to still another statute that raised the Court's authorized size back to nine.[22]

Reorganizing the Federal Courts

From the Civil War period until 1891, the nation engaged in an extended debate over how to reorganize the federal courts. The debate took place in the context of a broader argument over the proper role of the federal judiciary in national life.

In 1861, in his first message to Congress on the state of the union, President Lincoln warned that "the country has outgrown our present judicial system."[23] The problem as he saw it was that the circuit system as established in 1789 could not accommodate the growth of the country. In 1861, eight recently admitted states had never had "circuit courts attended by supreme judges." Adding enough justices to the Supreme Court to accommodate all the circuit courts that were needed would make the Supreme Court "altogether too numerous for a judicial body of any sort." Lincoln's solution: Fix the Supreme Court at a "convenient number," irrespective of the number of circuits. Then divide the country "into circuits of convenient size," to be served either by the Supreme Court justices and as many separate circuit judges as might be necessary, or by separate circuit judges only. Or abolish the circuit courts.

Reorganizing the circuit system was not the only problem Lincoln sought to resolve. He noted also that many federal statutes "have been drawn in haste and without sufficient caution . . . as to render it very difficult for even the best informed persons to ascertain precisely what the statute law really is." Furthermore, although Lincoln did not mention it, the Supreme Court and the circuit and district courts had increasing backlogs of cases.



In 1855, Congress created a separate judicial circuit, "constituted in and for the state of California, to be known as the circuit court of the United States for the districts of California," with the same jurisdiction as the numbered circuits. Rather than increasing the number of Supreme Court justices, Congress authorized a circuit judgeship for the circuit.

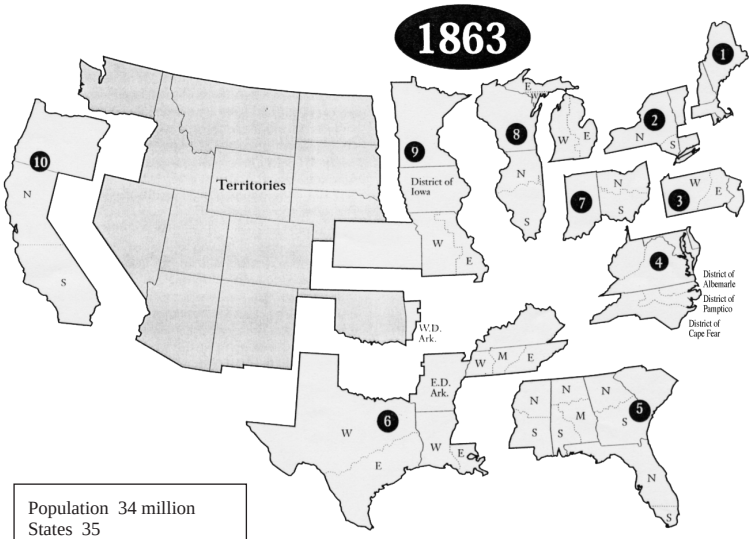
Before the Civil War, a growing economy and the emergence of the business corporation increased the federal courts' workload as their decisions created the legal conditions for growth and expansion in maritime trade and in domestic commercial activity.[24] Congress steadily expanded the Supreme Court's jurisdiction."[25] After the Civil War came statutes to promote and regulate economic growth, the enforcement of which fell to federal courts through the diversity jurisdiction or pursuant to statutory grants of jurisdiction. Other laws expanded the federal courts' jurisdiction to implement Reconstruction and to enforce the Reconstruction Amendments."[26] The budget offers one measure of the growth of federal court business. In 1850, the U.S. Treasury expended $500,000 on the federal courts; in 1875, it expended $3 million.[27]

Federal court business grew even more with the Judiciary Act of 1875,[28] which did essentially what the Federalists would have done in 1789: It established general federal-question jurisdiction in the federal trial courts for cases involving $500 or more. It was adopted on the same day as the 1875 Civil Rights Act,[29] and, as one observe has said, the two statutes together "may be seen as an ultimate expression of Republican reconstruction policies. One recognized a national obligation to confer and guarantee first-class citizenship to the freedman. The other marked an expression of the parry's nationalizing impulse and complementary concern for the national market."[30] Although the 1875 Civil Rights Act was invalidated by the Supreme Court eight years later,[31] the 1875 Judiciary Act made the federal trial courts, in Frankfurter and Landis's words, "the primary and powerful reliances for vindicating every right given by the Constitution, the laws, and treaties of the United States."[32]

The vastly expanded federal court jurisdiction, especially that established by the 1875 Judiciary Act, had two effects. In the long term, it established the federal courts' preeminent role as protectors of constitutional and statutory rights and liberties and as interpreters of the growing mass of federal statutes and administrative regulations.

In the short term, however, these significant jurisdictional increases for a court system conceived in 1789 create serious delay in the administration of federal justice. In fact, Hart and Wechsler referred to the post-Civil War period as "the nadir of federal judicial administration."[33] Even in such a condition, however, the courts performed a "unifying function" in promoting commercial growth during the period.[34]

Numerous proposals to revamp the system led only to tinkering with the number, size, and terms of the federal courts. As a result the nation lost much of its dwindling federal appellate capacity. Appellate review was statutorily foreclosed in many classes of cases. The decisions of the circuit courts were final in almost all criminal cases and in all civil cases involving less than $5,000.[35] Even with these limitations, the Supreme Court's docket grew steeply. In 1860, the Court had 310 cases on its docket. By 1890, it had 1,816 cases, including 623 new cases filed that year.[36]



In 1862, Congress added the states that had been admitted since 1842 to existing circuits. The following year, Congress abolished the Circuit Court of California and created the Tenth Circuit, consisting of California and Oregon. One justice was added to the Supreme Court for this circuit.

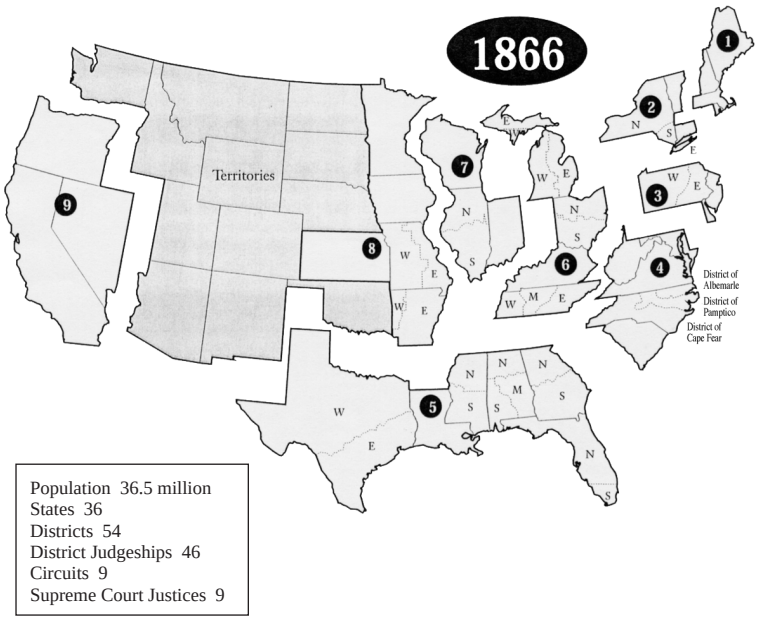
The Court was years behind in its work and, unlike the Court today, it was obliged to decide almost all the cases brought to it. Consequently, decisions of federal trial courts were, for practical purposes, almost unreviewable. Moreover, those courts had their own workload problems. Even with a partial restriction on diversity jurisdiction in 1887,[37] cases pending rose 86% from 1873 to 1890, from 29,000 to 54,000.[38] The number of district and circuit judges grew only by 11%, from 62 in 1873 to 69 in 1890.[39] In 1869, Congress had created nine circuit judgeships, realizing that the Supreme Court justices could attend but a fraction of the circuit court sessions. These nine judgeships were far too few to accommodate the increase in filings. In addition, the 1875 Act shifted some of the original jurisdiction of the circuit courts to the district courts and broadened the circuit courts' appellate jurisdiction. In the 1870s, single district judges handled about two-thirds of the circuit court caseload. In the next decade, the figure was much closer to 90%, and often the district judges were hearing appeals from their own decisions, thus making "the single district judges to a considerable extent ultimate courts of appeal."[40]

The federal courts' growing post-Civil War inability to accommodate this increased jurisdiction can be attributed in part to the inability of the bench and bar and legislators to discover an effective scheme of judicial organization. The courts needed to be reorganized so that they could accommodate this new workload while preserving such values as occasional contact between justices and the everyday judicial business of the country. Numerous proposals were offered. Some proposed an intermediate court of appeals, echoing bills introduced even before the Civil War and anticipating the reorganization of 1891. Others seem more curious today. Some proposed an eighteen-member Supreme Court, with nine judges serving on the circuits through a three-judge rotational scheme. Others suggested that the Supreme Court be divided into three panels to hear common-law, equity, and admiralty and revenue cases, and that constitutional cases go to the Court en banc.[41]

> The inability to agree on a new form for the courts reflected a more basic conflict. As Frankfurter and Landis put it: The reorganization of the federal judiciary did not involve merely technical questions of judicial organization nor was it the concern only of lawyers.

> Beneath the surface of the controversy lay passionate issues of power as between me states and the Federal Government, involving sectional differences and sectional susceptibilities . . . Stubborn political convictions and strong interests were at stake which made the process of accommodation long and precarious.[42]

The conflicts that had pitted Federalists against Anti-Federalists in the 1790s resurfaced toward the end of the next century. One group, based mainly in the House of Representatives and drawing strength mainly from the South and the West, wanted to retain the traditional form of the federal courts but restrict their jurisdiction. This group believed, not without some evidence, that the federal courts were too sympathetic to commercial interests, too eager to frustrate state legislative efforts designed to help farmers and workers. An Illinois congressman argued that the post-Civil War "increase of . . . jurisdiction . . . grew out of the then anomalous conditions of the country and was largely influenced by the passions and prejudices of the times." To regard "Federal courts . . . [as] the safeguards of the rights of the people . . . is a great mistake and . . . lessens respect for State courts, State rights, and State protection."[43]



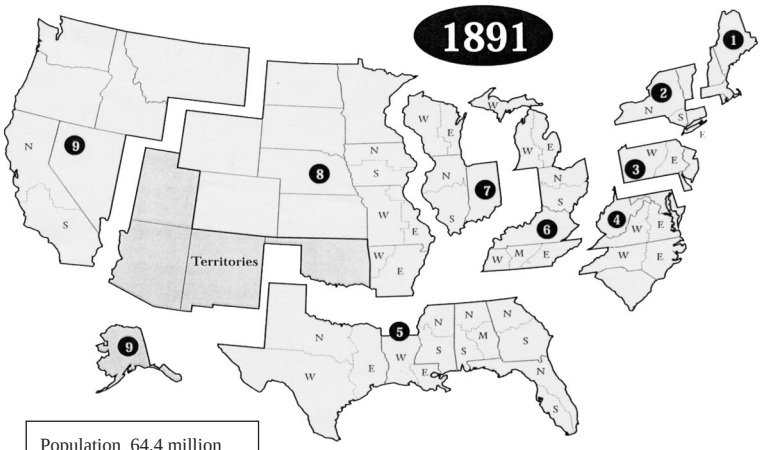
After the Civil War, Congress reduced the number of circuits to nine, adding Nevada to the new Ninth Circuit, formerly the Tenth. By law, Congress sought to limit the size of the Court by prohibiting appointments until the Court reached an authorized size of six associate justices, plus the Chief Justice. Congress restored the Supreme Court to nine justices in 1869, at the same time creating a circuit judge for each of the nine circuits "who shall reside in his circuit, and shall possess the same power and jurisdiction therein as the justice of the Supreme Court allotted to the circuit." From 1867 to 1929, newly admitted states were added to either the Eighth Circuit or the Ninth Circuit.

Another coalition, with strength in the Senate and based in the East, wanted to broaden the federal courts' capacity, so that they could exercise the expanded jurisdiction created in the wave of nationalist sentiment after the Civil War. One proponent cited "prejudice" by state courts against corporations and "in the West . . . granger laws and granger excitements that have led people to commit enormities in legislation . . . Capital . . . will not be risked in the perils of sectional bitterness, narrow prejudices, or local indifference to integrity and honor." The solution: "Let us stand by the national courts; let us preserve their power." [44]

The culmination of this controversy was the Circuit Court of Appeals Act of 1891,[45] the handiwork mainly of Senate Judiciary Committee Chairman William Evarts of New York. According to Henry Adams, Evarts prided himself on his ability to do the things he didn't like to do.[46] He had resisted the idea of separate courts of appeals for a long time. In accepting the concept, Evarts fashioned legislation that resolved the crisis in favor of the nationalists, although there were modest concessions to those who favored the old form of the federal courts.

What did the Act do? Essentially, it shifted the appellate caseload burden from the Supreme Court to new courts of appeals, and, in so doing, made the federal district courts the system's primary trial courts. It created a new court, the circuit court of appeals-one for each of the nine circuits. Each court consisted of two circuit judges and a district judge. The Act provided direct Supreme Court review of right from the district courts in some categories of cases and from circuit courts of appeals in others. It routed all other district court cases-notably criminal, diversity, admiralty, and revenue and patent cases-to the courts of appeals for final disposition. The appellate court could certify questions to the Supreme Court, or the Supreme Court could grant review by certiorari. The Act's effect on the Supreme Court was immediate-filings decreased from 623 in 1890 to 379 in 1891 and 275 in 1892.[47]

Deference to tradition temporarily spared the old circuit courts, but the Act abolished their appellate jurisdiction. Until the courts themselves were abolished in 1911,[48] the nation still had two separate federal trial courts. The Act did not abolish the justices' circuit riding, but made it optional, thus quietly burying this anachronism, also in deference to tradition. The important legacy today of justices' circuit riding is 28 U.S.C. § 42, which directs the Court to allot its members "as circuit justices," mainly to hear emergency motions from their respective circuits. ■



By the year in which Congress created the Circuit Courts of Appeals, the United States numbered forty-four. Utah, Oklahoma, Arizona, and New Mexico joined the Union within the next quarter-century, making the continental United States complete. Arizona was added to the Ninth Circuit, the other three states joined the Eighth Circuit. In 1911, Congress abolished the old circuit courts, which had exercised only trial jurisdiction since 1891, and added Hawaii to the Ninth Circuit. Puerto Rico was added to the First Circuit in 1913.

End Notes

1. The District of Wyoming, in the Tenth Circuit, reaches into Montana and Idaho, in the Ninth Circuit, in order to keep Yellowstone National Park in one judicial district. 28 U.S.C. § 131.
2. Act of Sept. 24, 1789, § 3, 1 Stat. 73-74. The successor provision is 28 U.S.C. § 134(b).
3. Kathryn Turner, *Federalist Policy and the Judiciary Act of 1801*, 22 Wm. & Mary Q. 3, 11 (1965).
4. Letter from Nathanial Pendleton to James Iredell, Mar. 19, 1792, in Griffith J. McRee, 2 The Life and Correspondence of James Iredell 344-45 (1857).
5. N.Y. Times, Dec. 24, 1865, *quoted* in Kermit Hall, *The Civil War Era as a Crucible for Nationalizing the Lower Federal Courts*, Prologue, 177, 184 (Fall 1975).
6. This was Attorney General Randolph's characterization of his 1790 report on the judicial system (p.8); his report then rebutted the argument. *Quoted in* Frankfurter & Landis, *supra* note 21, at 19.
7. A helpful analysis of these charges is provided in Ralph Lerner, *The Supreme Court as Republican Schoolmaster,* 1967 Sup. Ct. Rev. 127.
8. Justice Iredell, *quoted in* Charles Warren, 1 The Suprepe Court in United States History 86 (rev. Ed. 1926).
9. Gouverneur Morris, in 1802, *quoted in* Frankfurter & Landis, *supra* note 21, at 17.
10. Letter of Nov. 7, 1792, to Congress in 1 American State Papers (Class X) Miscellaneous 51-52.
11. Act of Sept. 24, 1789, § 4, 1 Stat. 74-75.
12. Justice Iredell explained the practice in *Ware v Hylton*, 3 Dall. 199, 257 n.2 (1796).
13. Act of Mar. 2, 1793, 1 Stat. 333.
14. Act of Feb. 13, 1801, 2 Stat. 89 ("To Provide for the More Convenient Organization of the Courts of the United States").
15. Act of Mar. 5, 1802, 2 Stat. 132.
16. Act of Apr. 29, 1802, 2 Stat. 118 (1802) ("To Amend the Judicial System of the United States"). The Supreme Court upheld this act in *Stuart v Laird*, 1 Cranch 299 (1802).
17. Act of Mar. 2, 1855, 10 Stat. 631 ("To Establish a Circuit Court in and for the State of California").
18. Act of March 3, 1863, 12 Stat. 794 (1863) ("To provide Circuit Courts for the Districts of California and Oregon . . .").
19. This conclusion is based on the tables of justices and the reporter's prefatory notes in volumes 1 and 2 of Wallace's Supreme Court Reports.
20. Act of July 23, 1866, 14 Stat. 209 ("To Fix the Number of Justices of the Supreme Court of the United States, and to Change Certain Judicial Circuits").
21. Stanley Kutler, Judicial Power and Reconstruction Politics 49-63 (1968).
22. Act of Apr. 10, 1869, 16 Stat. 44. See also the front pages of volumes 3 to 9 of Wallace's Supreme Court Reports.
23. Message to Congress of Dec. 3, 1861, in 5 The Works of Abraham Lincoln 41-42 (R. Basler ed., 1953).

24. Tony Freyer, Forums of Order: The Federal Courts and Business in American History chs. 1-5 (1979); Kermit L. Hall, *Circuit Courts*, in 1 Encyclopedia of the American Constitution 253-54 (Leonard W. Levy et al. eds., 1986).
25. Specific provisions are in Hart & Wechsler, *supra* note 2, at 36-37.
26. *See generally* Harold Hyman & William Wiecek, Equal Justice Under Law: Constitutional Development, 1835-1875, chs. 8-11 (1982).
27. Freyer, *supra* note 51, at 125.
28. Act of Mar. 3, 1875, 18 Stat. 470.
29. 18 Stat. 335.
30. Kutler, *supra* note 48, at 159.
31. Civil Rights Cases, 109 U.S. 3 (1883).
32. Frankfurter & Landis, *supra* note 21, at 65.
33. Hart & Wechsler, *supra* note 2, at 37.
34. Freyer, *supra* note 51, at 114.
35. Act of Feb. 16, 1875.
36. Frankfurter & Landis, *supra* note 21, at 101-02.
37. Act of Mar. 3, 1887.
38. Frankfurter & Landis, *supra* note 21, at 60.
39. Richard A. Posner, The Federal Courts: Crisis and Reform at table B.3, pp. 354-55 (1985).
40. Frankfurter & Landis, *supra* note 21, at 79.
41. *Id.* at 82-83.
42. *Id.* at 85.
43. Congressman Moulton of Illinois, *quoted in id.* at 85 n.135.
44. Congressman Robinson of Massachusetts, *quoted in id.* at 91-92.
45. Act of Mar. 3, 1891, 26 Stat. 826.
46. Henry Adams, The Education of Henry Adams 30 (1918).
47. Frankfurter & Landis, *supra* note 21, at 102.
48. Act of Mar. 3, 1911, § 301, 36 Stat. 1087, 1169.

Author's Note

The text of this article is taken from the Federal Judicial Center publication, "Creating the Federal Judicial System," written by Russell R. Wheeler and Cynthia Harrison. The original publication was undertaken in furtherance of the Center's statutory mission to develop and conduct educational programs. The views expressed in the article are those of the authors and not necessarily those of the Federal Judicial Center, however.

The Levin Court House Tunnel

By David G. Chardavoyne

There had long been a rumor that there is a tunnel running from the Theodore Levin U.S. Courthouse, under Shelby Street, to the Federal Reserve Bank, but evidence was scarce. Now, however, a recent "mold remediation report" by the U.S. Department of Health and Human Services confirms the tunnel's existence. According to that report, the tunnel is located at the north end of the courthouse where it runs west to east under the basement and then under Shelby Street where it connects to a similar tunnel in the bank.

The courthouse tunnel, which has been abandoned for at least ten years, was originally used by the U.S. Post Office, which shared the Courthouse with the U.S. District Court when the building opened in 1934. Two elevators connected the tunnel to the first floor, one at the east end of the tunnel and one at the west. The western elevator was removed, and its shaft filled with construction debris, several years ago. The eastern elevator remained operable, although rarely used, until 2003 when it was removed and its shaft paved over as part of the mold remediation project. Today, the only access to the tunnel from the courthouse is a sealed door in the basement. However, in early 2005 Geraldo will be unsealing the door for a television special in search of secret correspondence between the Federal Reserve Bank and Judge Tuttle about the financing of the Million Dollar Courtroom that was rumored to be secreted there in a small vault. Stay tuned for a date and time. ■

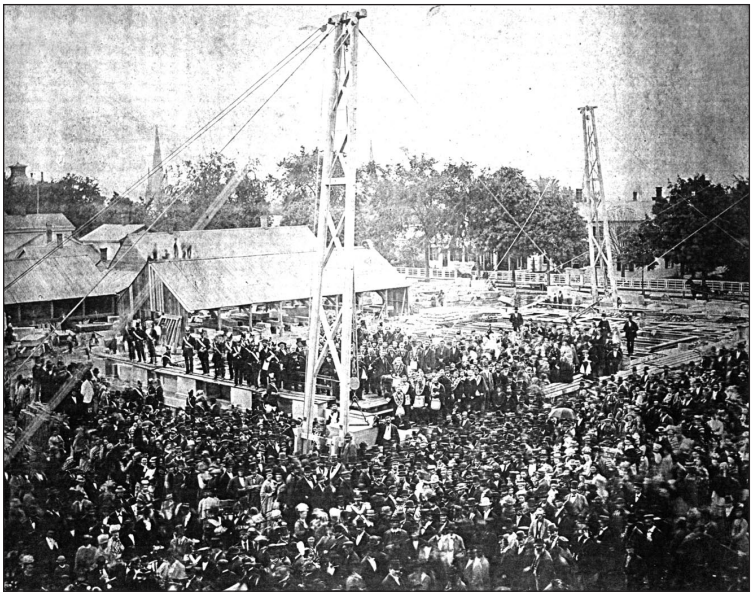
Hidden door to secret tunnel

Port Huron Federal Building

By Matthew Heron and Matthew Dawson

This is the first part of a two-part article on the architecture of the federal court in Port Huron.

The courthouse located in the Port Huron Federal Building is home to the United States District Court for the Southern Division of the Eastern District of Michigan. The history of this Court began in 1836, when, in anticipation of Michigan statehood, Congress created the District of Michigan with Detroit as the designated place of holding court. As Michigan's population increased and Western areas of the state were settled, the need for a second federal court led to the establishment of the Western District of Michigan, and the state was divided into two districts – Eastern and Western. As Michigan's population continued to grow, Congress added Port Huron as an additional place of holding court for the Eastern District in 1878, and in 1894 divided the Eastern District into Northern and Southern Divisions. Curiously, Port Huron, which had been located in the Southern Division of the Eastern District, was designated as a discretionary place of holding court for the Northern Division in 1911, but in 1954 it was redesignated as a place of holding court for the Southern Division.



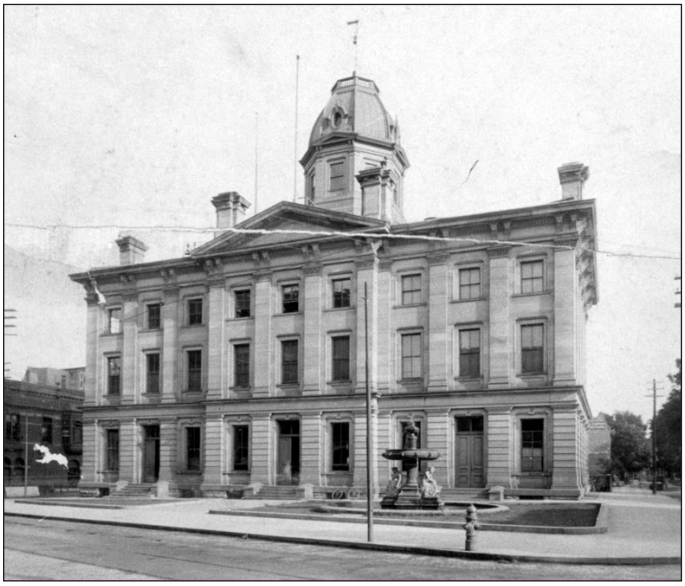
Laying of the cornerstone, October 8, 1874

The Port Huron Federal Building in which the District Court is housed has a long and colorful history dating back more than 130 years. The Federal Building's origins began in 1872 when Congress passed a bill, authored by Michigan Congressman Omar Conger, providing for the erection of a Government building in the City of Port Huron. The cost of the building was not to exceed $200,000. Plans were at once prepared under the supervision of Alfred B. Mullet, the Supervising Architect of the Treasury Department. Mullet was the designer of many important federal buildings during this period, including the San Francisco Mint, the construction of which had immediately preceded the Port Huron Federal Building.

As the search for a suitable site began, there was some rivalry between the north and south sides of the Black River to secure the location of the building. However, many of the proposed sites were quickly eliminated due to a Government requirement that the building be bounded on at least three sides by streets or alleys. The site eventually settled on was a lot on the corner of Sixth and Water Streets located on the south side of the Black River. The cost of the lot was $10,000, but $5,000 was paid by subscriptions of citizens so that the cost to the Government would be less than anticipated.

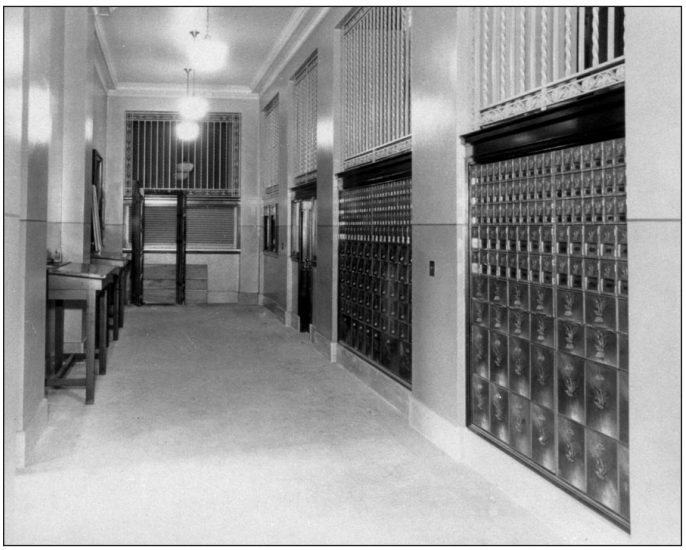
Early in 1873, Congressman Omar D. Conger of the Seventh District obtained from Congress an allocation of funds to build a "government" building in Port Huron. In August 1873 excavation began under the direction of Henry N. Wright of Port Huron. Mr. Wright remained in charge until George H. Sease arrived in October after completing the United States Court House and Post Office in St. Paul, Minnesota. Mr. Sease continued excavation which extended three feet below the floor line and in which concrete was laid and a drainage system was constructed. The laying of the concrete was about two-thirds complete when the weather became so cold that work was suspended until February 1874. When work resumed, excavation was completed and the corner stone was laid on October 8, 1874. In his speech that day, Congressman Conger, concerning the

courtroom which was to occupy the building, said "This room is expected to be occupied for one term at least of the United States District Court each year, since a very large share of the admiralty business in the United States Court for the Eastern District comes from this Customs District." That same month, the building was also dedicated as the Port Huron Post Office.



Port Huron Federal Building, pre-1916

The original structure, constructed in the late Classic Revival Style, consisted of three stories with its basement built of limestone from Sandusky, Ohio, and the upper two stories built of limestone from Amherst, Ohio. Gas chandeliers were a feature of the interior. Heating arrangements included 17 fireplaces with mantles of Vermont red marble as well as a hot water heating system in the basement. In the ceiling were two large iron ventilators, from which ventilating pipes extended through the attic and through the roof. The courtroom occupied the second and third floors, thus having two rows of windows, and a height from floor to ceiling of 32 feet. The remainder of the third floor, which was accessed by an iron staircase at the east end of the building, was originally occupied by the Inspector of Halls and Boilers, the Collector of Internal Revenue, the United States Commissioners and the Deputy United States Marshall. There was also a small room for use of the janitor. The ceiling for this floor was 13 4" high. At the west end



Former interior of first floor on Water Street

of the third floor was a staircase into the attic. It was lighted by a large glass-covered ventilator in the roof. Though quite spacious, the attic was not devoted to any particular use. From it, a winding staircase led into the famous dome made of copper purchased from New York at 30 cents per pound. For the woodwork of the building 25,000 feet of walnut and 25,000 feet of butternut were used. The outside door trimmings were in heavy bronze made into elegant patterns. Construction was completed in 1875, and by 1877 the building was occupied with the post office located on the first floor and the customs house and court located on the second floor. The total cost was $250,000.
In 1878 Congress authorized the judge of the Eastern District to hold court in Port Huron at his

discretion. Judge Henry Billings Brown (see The Court Legacy, Fall 1996) had been appointed in March 1875 by President Grant. His court became the busiest admiralty court in the country outside of New York, and Judge Brown came to be regarded as the nation's foremost authority on the subject. The court then met on the fourth Tuesday in May and October but Judge Brown, although he did sit on many circuit assignments throughout the midwest, maintained his residence in Detroit. The only judge to maintain his chambers in Port Huron, prior to Judge James Harvey, was Judge Clifford O'Sullivan. Judge O'Sullivan was appointed to the Eastern District of Michigan in September 1957 by President Eisenhower. Only a little more than two years later, on January 13, 1960, President Eisenhower appointed him to the Court of Appeals for the Sixth Circuit. The judge and his wife lived in Port Huron and he established his office in the Port Huron federal building. ■

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Author's Note

This history of the Port Huron Federal Building was compiled and completed by Matt Dawson, intern with the Honorable Lawrence P. Zatkoff, Spring 2004, and Matt Heron, law clerk for Judge Zatkoff, 2002-2004, using information provided by the Historical Society of the Eastern District of Michigan and pictures provided by both the Historical Society and the United States National Archives in Washington D.C.

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